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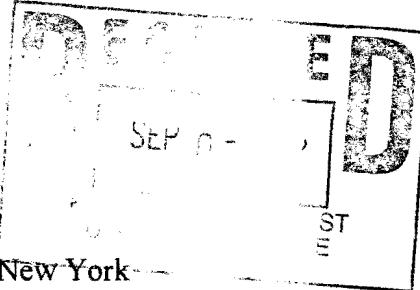
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August 31, 2012



BY EMAIL AND FEDERAL EXPRESS

Judge Katherine B. Forrest
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Illinois National Insurance Company et al v. Tutor Perini Corporation
1:11-cv-00431-KBF

Dear Judge Forrest:

I write on behalf of the Chartis Insurers¹ to confirm the deadline for the Chartis Insurers and Certain Underwriters at Lloyds, London (“Lloyds,” together the “Insurers”) to respond to Tutor Perini Corporation (“Tutor”)’s papers in opposition to summary judgment. Lloyds joins in this letter. First, let us apologize for yet another letter to Your Honor concerning scheduling, but a key difference of opinion has arisen between Tutor and the Insurers as to the Insurers’ deadline.

The Insurers filed their summary judgment papers on July 30, 2012. Tutor’s opposition papers were due 28 days later on August 27, 2012. Tutor filed a request to extend its deadline by 4 business days to August 31, 2012. In its letter request (ECF No. 98), Tutor wrote “Tutor Perini respectfully requests a short extension of time to file their opposition. Tutor Perini would give Chartis and Lloyd’s a corresponding extension on their reply.” The Court granted Tutor’s request for an extension – giving Tutor 32 days to write its opposition papers (more time than the Insurers had to compose their summary judgment motions). See Scheduling Order, ECF No. 69).

Remarkably, Tutor has now taken the position that Your Honor extended its time to file Tutor’s Opposition, but did not extend the Insurers’ time in which to file their Reply because of the lack of specific language to that effect in Your Honor’s order. Tutor takes this position despite the fact that Tutor’s letter said the Insurers would get a corresponding extension. Tutor’s position is that their extension essentially comes out of the Insurers’ reply time, and that the Insurers have only 4 business days, excluding the Monday holiday, to compose a reply and respond to Tutor Perini’s additional statements of fact.

¹ Illinois National Insurance Company, The Insurance Company of the State of Pennsylvania, and National Union Fire Insurance Company of Pittsburgh, Pa.

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While not much additional briefing is required with respect to the key and purely legal issue of whether faulty work can constitute an "occurrence" (the Insurers cite New York cases saying no, and Tutor cites out of state decisions saying yes), Tutor submitted 134 statements of additional fact in their opposition papers – almost as many as were contained in the Insurers' statement of facts. While Tutor's additional statements of fact are largely immaterial to the summary judgment motion, it will take the Insurers more than 4 business days to draft a reply memorandum and to respond adequately to these lengthy statements of additional facts.

Accordingly, the Insurers respectfully request confirmation that the deadline for their replies has been correspondingly extended by 4 business days to September 13, 2012.

Thank you for your consideration.

Very truly yours,



Joshua W. Gardner

JWG

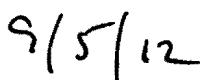
Enclosure

cc: Alex Hardiman, Esq. (w/o enclosures)
George Rockus, Esq. (w/o enclosures)

America 17096664.1

Ordered
It's too bad this
type of dispute
has to reach the
court. Replies
are extended
to Sept. 13, 2012.

SO ORDERED:



HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE